

**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES**

Friday, January 25, 2008

Department of Health Professions

Richmond, VA

CALL TO ORDER: The meeting of the Committee convened at 8:50 a.m.

MEMBERS PRESENT: Robert Mosby, MD, Chair
Claudette Dalton, MD
Suzanne Everhart, DO
Roderick Mathews, JD
Juan Montero, MD
Karen Ransone, MD

MEMBERS ABSENT: Ann Burks, JD

STAFF PRESENT: William L. Harp, MD, Executive Director
Jennifer Deschenes, Deputy Director, Discipline
Kathleen Nosbisch, Deputy Executive Director, Practitioner
Information
Ola Powers, Deputy Executive Director, Licensing
Barbara Matusiak, MD, Medical Review Coordinator
Colanthia Morton Opher, Operations Manager
Amy Marschean, Assistant Attorney General
Emily Wingfield, Assistant Director, DHP
Elaine Yeatts, DHP Policy Analyst

OTHERS PRESENT: Brad Robinson, DC, VSC
Sandy Elbaum, DC, VSC
Mike Jurgensen, MSV
Bill Ferguson, DOPHR, Barbers and Cosmetology
Jeff Buthe, MSV

ROLL CALL

EMERGENCY EVACUATION INSTRUCTIONS

Dr. Mosby read the Emergency Evacuation Instructions.

APPROVAL OF MINUTES OF MAY 18, 2007

Dr. Everhart moved to approve the minutes of May 18, 2007 as presented. The motion was seconded and carried.

ADOPTION OF AGENDA

Dr. Ransone moved to adopt the agenda as presented. The motion was seconded and carried.

PUBLIC COMMENT

Dr. Harp introduced and extended a welcome to the guests.

There was no public comment.

NEW BUSINESS

Report of the 2008 General Assembly

Ms. Yeatts distributed an update of the report.

Ms. Yeatts highlighted several pieces of legislation that impacted or affected the Board of Medicine. Ms. Yeatts advised that one of particular concern was **HB 109 – Regulation of firearms by state entities** – which would prohibit a state agency from adopting any rules or regulations that would prohibit the carrying of a firearm into the Department [informal/formal hearing/s].

In response to Ms. Yeatts' update on **HB1305 – Virginia Birth-Related Neurological Injury Compensation Program** – Dr. Montero moved to have appropriate staff recommend that the original language be reinstated so that the requirement to participate would apply only to licensees currently practicing in the Commonwealth. The motion was seconded and carried.

In response to Ms. Yeatts' review of **SJ 128 – Health care professionals, licensed: Joint commission on Health Care to study competency** - the Committee asked that appropriate staff relay their concerns and opposition to the competency study given the many studies currently underway by entities knowledgeable of this topic, and Dr. Dalton asked that consideration be given for the revival of the Ad Hoc Committee on Competency.

Doctors of Chiropractic 4-year degree requirement for licensure

Ms. Yeatts briefly reviewed the NOIRA initiated by the Virginia Chiropractic Association regarding the requirement of a 4-year degree for licensure in chiropractic from a college or university prior to matriculation in chiropractic school and to licensure.

Ms. Yeatts advised that there were strong opinions on both sides of the issue.

After discussion, Dr. Everhart moved to recommend to the Full Board that the NOIRA be withdrawn. The motion was seconded and carried.

Pediatric concerns about MDR regulations

Dr. Harp provided a brief overview of the MDR regulations.

Dr. Harp advised that the Board had received correspondence from a licensee who expressed concerns about the burden that the MDR regulations have now placed on pediatricians' practices in regards to vaccinations.

Dr. Ransone stated that, in her opinion, the impediment rested with section B(3) and the requirement for a second check to be performed by a physician. Dr. Mosby also voiced his concern about the requirement, stating that it does put pediatricians in a very delicate position.

After the discussion, Dr. Dalton moved that all vaccines be carved out of the MDR regulations. Dr. Dalton then accepted an amendment to her motion to B(3) to read as follows: ... Mixing, diluting or reconstituting that is performed by a doctor of medicine or osteopathic medicine, a pharmacist, or by a specifically trained physician assistant or registered nurse, or the mixing, diluting or reconstituting of vaccines, does not require a second check. The motion was seconded and carried.

Recommendation to reduce fees for reinstatement of license

Ms. Yeatts advised the Committee on the history of this item.

After discussion, Dr. Ransone moved that the fees be left as is. The motion was seconded.

After further discussion, Dr. Montero called for the question to end the debate. The motion was seconded and carried.

The motion on the floor passed 4-2 to recommend to the Full Board that the current fees for reinstatement remain the same.

Recommendation on NOIRA for review of all board fees

The Committee unanimously agreed that review of the current fee structure be postponed until after the 2008 General Assembly session.

Proposed Laser Hair Removal Guidance Document

Dr. Harp provided a brief history on this issue.

Dr. Harp advised that in response to correspondence received from a citizen by the Board of Health Professions, the draft guidance document developed by the Ad Hoc Committee in September 2006 before the Legislative Committee for review for recommendation to the Full Board.

Dr. Harp provided information on the current status of legislation in Georgia, Texas and North Carolina, and the current guidelines for estheticians under the Department of Professional and Health Regulations.

Mr. Ferguson, Executive Director of the Barbers and Cosmetologists Boards, informed the Committee that when their department received calls from the public regarding the use of lasers for hair removal, the caller is advised that their Department does not regulate that modality. Mr. Ferguson went on to say that if an esthetician calls to inquiry about the ability to perform laser hair removal, they are advised that they are not authorized to do so under the authority of the esthetician license.

After lengthy discussion, Dr. Everhart moved to recommend to the Full Board that the use of lasers be considered the practice of medicine. The motion was seconded and carried.

Announcements

Next meeting - May 16, 2008

Adjournment

With no other business to conduct, the meeting adjourned at 12:15 p.m.

Robert Mosby, M. D.
Chair

William L. Harp, M.D.
Executive Director

Colanthia M. Opher
Recording Secretary